

REMARKS

Claims 1-20 are pending and rejected in this application. Applicant has amended Claims 1, 17 and 19 to comply with requirements of form and/or to place the application in better form for consideration on appeal, and respectfully requests reconsideration and withdrawal of all rejections.

Responsive to the rejection of claim 19 under 35 U.S.C. §112, second paragraph, Applicant has amended claim 19. Applicant respectfully submits that claim 19 is now in allowable form.

Responsive to the rejection of claims 1-3, 5-8 and 10-20 under 35 U.S.C. §102 as being anticipated by or, in the alternative, under 35 U.S.C. §103 as obvious over U.S. Patent No. 4,982,683 to Earnest, Jr., Applicant has amended claims 1, 17 and 19, and submits that claims 1-3, 5-8 and 10-20 are now in condition for allowance.

Claim 1, as amended, recites a “conversation game comprising a plurality of hand-held signs, each sign having a handle portion and a second portion displaying indicia selected to promote individual or group comments, or orderly conversation amongst a group of people.” (Emphasis added). Such subject matter is disclosed in at least paragraphs [0008] and [0020] of the present specification. Applicant respectfully submits that such a limitation is neither taught, disclosed nor suggested by Earnest, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Panels 10, 11 and 12 of Earnest are not selected to promote individual or group comments, or orderly conversation amongst a group of people. Rather, panels 10, 11 and 12 are selected to direct vehicle traffic. Thus, Earnest does not disclose or suggest a conversation game including a plurality of hand-held signs, wherein each sign has a handle portion and a second portion for displaying indicia selected to promote individual or group comments, or orderly conversation amongst a group of people, as recited by amended claim 1.

Applicant submits that the invention recited by amended claim 1 includes distinct advantages over Earnest. Paddles 10 of the present invention may provide messages or comments for use by a person acting as a moderator in a discussion group. For example, a parent in a family discussion may have the stack of paddles 10 ready to use as required. Members of the

group may reach over to pick up a paddle 10 to express his or her preference, comment or request. (paragraph [0020] of the present specification).

For all of the foregoing reasons, Applicant submits that claim 1, and claims 2-3, 5-8, 10-11, and 17-19 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Notwithstanding the fact that Claim 10 is believed to be allowable because of its dependence from claim 1, Applicant further submits that claim 10 is also allowable standing alone. Claim 10, as amended, recites that “the second portion is larger than the handle portion in a direction along which the indicia are printed.” (Emphasis added). As can be seen in the drawings of Earnest, panels 10, 11 and 12 have a uniform width in the direction along which the indicia are printed. Thus, Earnest does not disclose or suggest that a second portion is larger than a handle portion in a direction along which indicia are printed, as recited by amended claim 10.

Applicant submits that the invention recited by amended claim 10 includes distinct advantages over Earnest. By the handle portion being narrower than the second portion, a user may easily, ergonomically, and comfortably grasp a paddle 10 by its handle portion and thereby raise the second portion into the air such that the indicia on the second portion are easily viewable by others. With the panels of Earnest, in contrast, a user must grasp the panels above the indicia, which would make it uncomfortable for the user to lift the indicia to eye level and would result in the user's hand blocking the user's face from view if he were to lift the indicia to eye level. Moreover, the invention recited by amended claim 10 enables a user to easily rotate a paddle 10 one-half rotation (180°) to thereby display both sides of the paddle, even when the paddles are held together on a retainer, as shown in FIG. 4. With the traffic signaling device of Earnest, Jr., in contrast, the other panels block the back side of the panel whose front side is being displayed. Thus, a user would have to flip over the panel whose front side is being displayed in order to display the back side of the panel.

For all of the foregoing reasons, Applicant submits that claim 10 is in condition for allowance, which is hereby respectfully requested.

Notwithstanding the fact that Claim 17 is believed to be allowable because of its dependence from claim 1, Applicant further submits that claim 17 is also allowable standing alone. Claim 17, as amended, recites “each said sign being rotatable relative to the other said signs about an axis perpendicular to the plane defined by said sign.” (Emphasis added). As shown in FIG. 4 of the present specification, each of the signs may rotate laterally about an axis that is tangent to the retainer ring at the approximate point of the retainer ring that passes through the signs. Thus, it is possible to display more than one of the signs simultaneously by “fanning them out” similarly to a hand of playing cards. The device of Earnest includes two rings, which prevent any rotation as recited by claim 17. Thus, Earnest does not disclose or suggest that each sign is rotatable relative to the other signs about an axis perpendicular to the plane defined by the sign, as recited by amended claim 17.

Applicant submits that the invention recited by amended claim 17 includes distinct advantages over Earnest. By each sign being rotatable relative to the other signs about an axis perpendicular to the sign, it is easier for a user to expose a particular sign such that it may be read. Moreover, such rotatability allows more than one sign to be exposed simultaneously, such as if two signs were each rotated 90° in opposite directions. This feature may be particularly advantageous when the signs are used in a game in which a combination of signs may be simultaneously displayed.

For all of the foregoing reasons, Applicant submits that claim 17 is in condition for allowance, which is hereby respectfully requested.

Notwithstanding the fact that Claim 18 is believed to be allowable because of its dependence from claim 1, Applicant further submits that claim 18 is also allowable standing alone. Claim 18 recites that “the second portion is between 3 3/16 and 6 inches in width and between 2 and 4 inches in height.” (Emphasis added). Such dimensions are disclosed in paragraphs [0019] and [0022] of the present specification. Earnest states that the “information panels accordingly are preferably approximately 21 inches high and 24 inches wide”. (column 3, lines 51-52). Thus, Earnest does not disclose or suggest a second portion between 3 3/16 and 6 inches in width and between 2 and 4 inches in height, as recited by claim 18.

Applicant submits that the invention recited by claim 18 includes distinct advantages over Earnest. The recited dimensions are suitable for the signs of the present invention because the signs are used for interpersonal oral communication, and thus are displayed within a few feet of the viewer. Because of the short distances involved, the printing may be relatively small and still be readable. The device of Earnest on the other hand is used for directing vehicle traffic. Thus, these devices may typically be displayed at distances of thirty feet or more from the viewer. Because of these longer distances, the printing must be larger to be readable, and hence the display portions of the devices must be larger than the dimensions recited by claim 18.

For the foregoing reasons, Applicant submits that claim 18, and claim 19 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Notwithstanding the fact that Claim 19 is believed to be allowable because of its dependence from claim 18, Applicant further submits that claim 19 is also allowable standing alone. Claim 19, as amended, recites that “the second portion is wider than the handle portion.” (Emphasis added). Thus, claim 19 recites subject matter that is substantially similar to the subject matter of claim 10. For all of the reasons given above with regard to claim 10, Applicant submits that claim 19 is in condition for allowance, which is hereby respectfully requested.

Claim 12, as amended, recites in part a “plurality of hand-held paddles, each having a hand-grip portion and a larger portion, each said hand-grip portion defining a longitudinal axis, each said larger portion extending axially away from the hand-grip portion”. (Emphasis added). Applicant respectfully submits that such a limitation is neither taught, disclosed nor suggested by Earnest, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Panels 10, 11 and 12 of Earnest include panel openings 30 that define longitudinal axes that are oriented in directions parallel to a direction along which the indicia are printed. The remainder of each panel 10, 11 and 12 does not extend axially away from openings 30. Rather, the remainder of each panel extends away from openings 30 in a direction perpendicular to the axial direction defined by openings 30. Thus, Earnest does not disclose or suggest a plurality of hand-held paddles, each having a hand-grip portion and a larger portion, each hand-grip portion defining a longitudinal axis, and each larger portion extending axially away from the hand-grip

portion, as recited by amended claim 12. Applicant submits that the invention recited by amended claim 12 has the same advantages over Earnest as does amended claim 10.

For all of the foregoing reasons, Applicant submits that claim 12, and claims 13-16 and 20 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Notwithstanding the fact that Claim 20 is believed to be allowable because of its dependence from claim 12, Applicant further submits that claim 20 is also allowable standing alone. Claim 20 recites that “the paddles are formed of cork, pressboard or cardboard, and are configured to be used as coasters.” (Emphasis added). Such subject matter is disclosed in paragraph [0017] of the present specification. Earnest is completely silent as to forming the devices of cork, pressboard or cardboard such that they may be used as coasters. Further, because the device of Earnest is held together with rings, it cannot be laid flat on a table or other horizontal surface such that it may be used as coasters. Further still, as discussed above, the device of Earnest is relatively large, and is too large to function as a coaster. Thus, Earnest does not disclose or suggest that the paddles are formed of cork, pressboard or cardboard, and are configured to be used as coasters, as recited by claim 20.

Thus, Applicant submits that claim 20 is in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 4 and 9 as being unpatentable over Earnest in view of U.S. Patent Application Publication No. 2002/0133988 by Spelman, Applicant submits that claims 4 and 9 are in condition for allowance in their present form.

Claim 4, as amended, recites “a plurality of hand-held signs, each sign having a handle portion and a second portion . . . , each sign handle portion defining an axis which bisects the sign's second portion.” (Emphasis added). Applicant respectfully submits that such a limitation is neither taught, disclosed nor suggested by any of the cited references, alone or in combination, and includes distinct advantages thereover.

Panels 10, 11 and 12 of Earnest include panel openings 30 that define longitudinal axes that are oriented in directions parallel to a direction along which the indicia are printed. The longitudinal axes do not bisect the remainder of the respective panels. Further, the longitudinal axes do not even intersect the remainder of each panel. Thus, Earnest does not disclose or

suggest a plurality of hand-held signs, each sign having a handle portion and a second portion, each sign handle portion defining an axis which bisects the sign's second portion, as recited by amended claim 4.

Display device 10 of Spelman includes only a single support with a handle portion 16 and a display portion 18. This support, including handle portion 16 and display portion 18, is not a sign. That is, display portion 18 does not bear lettering or symbols. Sheets of material 26, rather than display portion 18, display selected messages 28. However, sheets of material 26 do not have handle portions. Nor are sheets of material 26 hand-held. Rather, it is handle portion 16 of the support that is hand-held. Thus, Spelman does not disclose or suggest a plurality of hand-held signs, each sign having a handle portion and a second portion, each sign handle portion defining an axis which bisects the sign's second portion, as recited by amended claim 4.

Applicant submits that the invention recited by amended claim 4 has the same advantages over Earnest as does amended claim 10. Applicant also submits that the invention recited by amended claim 4 has distinct advantages over Spelman. More particularly, a user may select and pick up one of the signs of the present invention by using only one hand, even if the signs are held together by a retainer, as shown in FIG. 4 of the present specification. In contrast, display device 10 of Spelman must be handled with two hands in order to select and display a particular one of sheets of material 26. That is, a user must grasp handle portion 16 with one hand and leaf through sheets 26 with the other hand in order to uncover and display a chosen one of sheets 26. Moreover, Spelman includes the same disadvantage as Earnest in that a sheet 26 must be flipped over in order to display the back side of the sheet, rather than simply rotating handle portion 16 180°.

For all of the foregoing reasons, Applicant submits that claim 4 is in condition for allowance, which is hereby respectfully requested.

Claim 9 recites that "each sign handle portion defines an axis which bisects the sign's second portion." (Emphasis added). Thus, claim 9 recites subject matter that is substantially similar to the subject matter of claim 4. For all of the reasons given above with regard to claim 4, Applicant submits that claim 9 is also in condition for allowance, which is hereby respectfully requested.

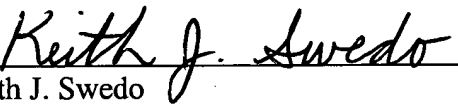
CONCLUSION

The amendments to the claims have been made to comply with requirements of form and/or to place the application in better form for consideration on appeal. Accordingly, entry of the present amendment is respectfully requested.

Applicant believes, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all still pending claims are in condition for allowance.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the telephone number provided.

Respectfully submitted,



Keith J. Swedo
Reg. No. 43,176
Sommer Barnard PC
One Indiana Square, Suite 3500
Indianapolis, IN 46204
Telephone: (317) 713-3446
Fax: (317) 715-4545
kswedo@sommerbarnard.com